



Reissue Application No. 09/689,757
 Atty. Dkt. No. 030681-032

#11 Declaration
 4-9-03
 R. J. Jalen

REISSUE APPLICATION DECLARATION BY THE INVENTORS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is described and claimed in patent number 5,822,135, granted October 13, 1998, and for which a reissue patent is sought on the invention entitled Lens Device Including A Light Controlling Mechanism and An Optical Pickup Apparatus Using A Lens Device, the specification of which was filed on October 13, 2000 as Reissue Application Number 09/689,757.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reason of the patentee claiming more or less than he had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

The issued claims claim less than patentee had a right to claim in reciting in the only independent claim that the light controlling means provides a light path of the lens for "preventing light in an intermediate axial region of said light path from reaching said focal zone", rather than positive recitation that a "near region focuses light in said light path on the information bearing level regardless of which of said at least two types of optical memory disks".

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Also, every error in the patent which was corrected by the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(e) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Korean Application No. 95-27715 filed August 30, 1995

Korean Application No. 95-31679 filed September 25, 1995

Korean Application No. 95-33914 filed October 4, 1995

Korean Application No. 96-1605 filed January 25, 1996

Korean Application No. 96-3605 filed February 14, 1996

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application No. 60/014,101 filed March 26, 1996

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

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As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Charles F. Wieland III, Registration No. 33,096, and
the attorneys and agents of Burns, Doane, Swecker & Mathis, L.L.P.
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

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